

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ABBEY HOTEL ACQUISITION, LLC, SETAI HOTEL
ACQUISITION, LLC, SETAI RESORT AND
RESIDENCE CONDOMINIUM ASSOCIATION, INC.
and SETAI VALET SERVICES, LLC

Plaintiffs,

v.

NATIONAL SURETY CORPORATION

Defendant.

Civil Action No. 1:21-cv-03506

DEFENDANT NATIONAL SURETY CORPORATION'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 7.1(a), Defendant National Surety Corporation ("National Surety") moves the Court to dismiss Plaintiffs Abbey Hotel Acquisition, LLC, Setai Hotel Acquisition, LLC, Setai Resort and Residence Condominium Association, Inc. and Setai Valet Services, LLC ("Plaintiffs")' Complaint for failure to state a claim on the grounds set forth in National Surety's Memorandum of Law filed contemporaneously herewith. Because any amendment to the Complaint would be futile, National Surety respectfully requests that the Court dismiss Plaintiffs' Complaint with prejudice.

Pursuant to Rule 4.D. of Your Honor's Individual Practices in Civil Cases, National Surety respectfully requests oral argument on this Motion to Dismiss.

Respectfully Submitted,

Dated: June 10, 2021

/s/ Anna K. Finger

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CERTIFICATE OF SERVICE

I certify that on June 10, 2021, a copy of the foregoing document was served on all counsel of record via the Court's ECF system and/or email.

/s/ Anna K. Finger
Attorney for Defendant